

**IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF ARKANSAS**

**UNITED STATES OF AMERICA**

v.

**Case No. 4:13CR00290 KGB**

**BLAKE JOHNSON**

**PRELIMINARY ORDER OF FORFEITURE**

It is hereby ordered that:

1. As the result of the September 18, 2014, guilty plea of Blake Johnson (“Defendant”), Defendant shall forfeit to the United States, under 18 U.S.C. § 924(d) and 28 U.S.C. § 2461(c):
  - A. A Norinco, Model SKS, 7.62 x 39 caliber rifle, serial number A1529006;
  - B. A Norinco, Model SKS, 7.62 x 39 caliber rifle, serial number 8068422;
  - C. A Mossberg (Revelation), Model R310AB, 12 gauge shotgun, serial number H355899;
  - D. A Bushmaster, Model XM15-E25, .223 caliber rifle, serial number ARG0001321;
  - E. A Taurus, Model PT809, 9 mm pistol, serial number TG058805;
  - F. A Smith and Wesson, Model M&P, .45 caliber pistol, serial number DXV2523;
  - G. A Smith and Wesson, Model M&P, .9 mm pistol, serial number HBH6362;
  - H. A Smith and Wesson, Model 10-10, .38 caliber revolver, bearing serial number BDF4474;
  - I. A Smith and Wesson, Model Body Guard, .380 caliber pistol, bearing

serial number ECB1249; and

J. A Highpoint, Model C9, 9mm pistol, with an obliterated serial number. (collectively, “property subject to forfeiture”).

2. Upon the entry of this Order, the United States Attorney General or a designee (collectively “Attorney General”) is authorized to seize the above-listed property and to conduct any discovery proper in identifying, locating, or disposing of the property subject to forfeiture. Fed. R. Crim. P. 32.2(b)(3). Further, the Attorney General is authorized to commence any applicable proceeding to comply with statutes governing third-party rights.

3. The United States shall publish, in such a manner as the Attorney General may direct, notice of this Order and the United States’ intent to dispose of the property subject to forfeiture. The United States may also, to the extent practicable, provide written notice to any person known to have an alleged interest in the property subject to forfeiture.

4. Any person, other than Defendant, asserting a legal interest in the property subject to forfeiture may petition the Court for a hearing without a jury to adjudicate the validity of his or her alleged interest in the property and for an amendment of this Order. *See* 21 U.S.C. § 853(n)(2); 28 U.S.C. § 2461(c). This petition must be filed within 30 days of the final publication of notice or receipt of notice, whichever is earlier. 21 U.S.C. § 853(n)(2).

5. This Preliminary Order of Forfeiture shall become final as to Defendant at the time of sentencing and shall be made part of the sentence and included in the judgment. Fed. R. Crim. P. 32.2(b)(4)(A). If no third party files a timely claim, this Order shall become the Final Order of Forfeiture. Fed. R. Crim. P. 32.2(c)(2).

6. Any petition filed by a third party asserting an interest in the property subject to forfeiture shall be signed by the petitioner under penalty of perjury and shall set forth the nature and extent of the petitioner’s right, title, or interest in the property subject to forfeiture; the time

and circumstances of the petitioner's acquisition of the right, title, or interest in the property subject to forfeiture; any additional facts supporting the petitioner's claim; and the relief sought.

7. After the disposition of any motion filed under Federal Rule of Criminal Procedure 32.2(c)(1)(A) and before a hearing on the petition, discovery may be conducted in accordance with the Federal Rules of Civil Procedure upon a showing that such discovery is necessary or desirable to resolve factual issues. Fed. R. Crim. P. 32.2(c)(1)(B).

8. The United States shall have clear title to the property subject to forfeiture following the Court's disposition of all third-party interests, or, if none, following the expiration of the period provided for the filing of third-party petitions.

9. The Court shall retain jurisdiction to enforce this Order and to amend it as necessary. *See* Fed. R. Crim. P. 32.2(e).

SO ORDERED this 27th day of October, 2014.



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KRISTINE G. BAKER  
UNITED STATES DISTRICT JUDGE